

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Bail Appl..No. 5748 of 2015

CRIME NO. 598/2015 OF BEKAL POLICE STATION, KASARAGOD
.....

PETITIONER(S)/ACCUSED:

1. **MOHAMMED ISHAD, AGED 33 YEARS,
S/O.SHARAFUDHEEN K.M., OLD CUSTOMS ROAD
THAYALANGADY P.O., KASARAGOD DISTRICT.**
2. **MUHAMMED JIFFRY, AGED 33 YEARS,
S/O.SHARAFUDHEEN K.M., OLD CUSTOMS ROAD,
THAYALANGADY P.O., KASARAGOD DISTRICT.**
3. **SAIRABANU, AGED 52 YEARS,
W/O.SHARAFUDHEEN K.M., OLD CUSTOMS ROAD,
THAYALANGADY P.O., KASARAGOD DISTRICT.**

BY ADV. SRI.MAHESH V RAMAKRISHNAN

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
28-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A.No.5748 of 2015

Dated this the 28th day of September, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are the accused 1 to 3 apprehending arrest in Crime No.598 of 2015 of Bekal Police Station registered for the offences punishable under Section 498 A r/w Section 34 of the Indian Penal Code.

3. Heard the learned counsel for the petitioners and learned Public Prosecutor.

4. Learned Public Prosecutor submitted that petitioners 2 and 3, who originally figured as accused in the case were later deleted. So, the sole accused in the case is the first petitioner. Prosecution case is that on 18.09.2011 the first petitioner married the *de facto* complainant and it is her case that thereafter, she was treated cruelly by the first petitioner.

5. Learned counsel for the petitioner submitted that the husband had filed a petition for restitution of conjugal rights and this case is a frivolous and false case

filed as a counter blast to the other case.

6. Having regard to the facts and circumstances, I am inclined to grant bail to the petitioner with the following conditions:

- (a) Petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. Thereafter, he shall be released on bail on his executing a bond for ₹25,000/- (Rupees Twenty Five Thousand Only) with two solvent sureties for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioner shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (c) The petitioner shall co-operate with the investigation of the case.
- (d) The petitioner shall not intimidate or attempt to influence the witnesses.

- (e) The petitioner shall not in any manner interfere or meddle with the investigation.
- (f) Petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge